

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

2211 UNITED STATES COURTHOUSE
75 SPRING STREET, SW
ATLANTA, GEORGIA 30303-3361

LUTHER D. THOMAS
CLERK OF COURT

JANUARY 5, 2006

FILED
JAMES B. ...
2006 JAN 12 PM 12:46

(404) 215-1441

Clerk's Office:

Rule 5 & 5.1 proceedings were held in this district on regarding,
USA v. Dantay Edward Shamel N.D.Ga. Case No. 1:06-MJ-01, Your
case No. 1:02-cr-00067 Enclosed are our documents of said
proceedings.

If you have any questions, please call the me at (404) 215-1441.

Sincerely,



Carole Burks
Deputy Clerk

Enclosure

MAGISTRATE'S CRIMINAL MINUTES

FILED IN OPEN COURT

REMOVALS (RULE 5 & 5.1)

DATE: 1/3/06 @ 4:30

TAPE: CCH 06-01 @ 7252

MAGISTRATE C. CHRISTOPHER HAGY, PRESIDING CAROLE BURKS DEPUTY CLERK

CASE NUMBER 1:05-MJ-009

DEFENDANT'S NAME Dantay EdwardShamel

AUSA Jon Peter Kelly

DEFENDANT'S ATTY Kendal Silas

USPO Keith Scott

Type FDP

☒ Initial appearance hearing held.
☒ Defendant informed of rights.
☒ ORDER appointing Federal Defender Program attorney for defendant.
☐ ORDER appointing _____ attorney for defendant.
☐ ORDER defendant shall pay attorney's fees as follows: _____

☐ Defendant WAIVES removal hearing (as to IDENTITY only). WAIVER FILED.

☒ Defendant WAIVES preliminary hearing (☒ In this district only). WAIVER FILED.

☐ Removal hearing set/reset/cont to _____ @ _____.

☐ Removal hearing HELD.

☐ Order finding Probable Cause. Defendant held to District Court for removal to other district.

☐ Order defendant identified as named defendant in indictment/complaint. Defendant held to be removed to other district.

☒ Order defendant removed to other district. Commitment issued 1/3/06

☐ Miscellaneous: _____

BOND/PRETRIAL DETENTION HEARING

☐ Government Motion for DETENTION filed.

☐ Bond/Pretrial DETENTION hearing held.

☐ Pretrial detention hearing set for _____. (☐ In charging district)

☐ (☐ VERBAL) Motion to reduce bond GRANTED.

☐ (☐ VERBAL) Motion to reduce bond DENIED.

☐ Pretrial DETENTION ORDERED. (Written order to follow _____).

☐ BOND SET at \$ _____.

☐ NON-SURETY

☐ SURETY/CASH: _____ Property Acceptable: _____ Corporate Surety Only

☐ Combination: _____

☐ SPECIAL CONDITIONS: _____

☐ BOND FILED. Defendant RELEASED.

☐ BOND NOT EXECUTED. DEFENDANT TO REMAIN IN MARSHAL'S CUSTODY.

WITNESSES:

EXHIBITS:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN OPEN COURT
U.S.D.C. Atlanta

JAN 03 2006

LUTHER D. THOMAS, Clerk
By:  Deputy Clerk

UNITED STATES OF AMERICA,
Plaintiff,

vs.

CASE NO. 1:06-MJ-009

DANTAY EDWARD SHAMEL
Defendant.

ORDER APPOINTING COUNSEL

KENDAL SILAS

The above-named defendant has testified under oath or has filed with the Court an affidavit of financial status and hereby satisfied this Court that he or she is financially unable to employ counsel.

Accordingly, the **FEDERAL DEFENDER PROGRAM, INC.**, is hereby appointed to represent this defendant in the above-captioned case unless relieved by an Order of this Court or by Order of the Court of Appeals.

Dated at Atlanta, Georgia this 3rd day of January, 2006.


UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

NORTHERN

District of

GEORGIA

JAN 03 2006

UNITED STATES OF AMERICA

V.

DANTAY EDWARD SHAMEL

Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number:

LUTHER D. THOMAS, Clerk
Deputy Clerk

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I—Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a ☐ federal offense ☐ state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed that is
- ☐ a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____.
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.

- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the ☐ date of conviction ☐ release of the defendant from imprisonment for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense ☐ for which a maximum term of imprisonment of ten years or more is prescribed in _____ ☐ under 18 U.S.C. § 924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☐ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Defendant arrested on a post-arrest warrant for failure to comply with conditions of supervised release. Was not for arrest 2/2005 - so been missing for almost a year

Part II—Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by ☐ clear and convincing evidence ☐ a preponderance of the evidence that

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

January 3, 2006

Date

Signature of Judicial Officer

C. CHRISTOPHER HAGY, U. S. MAGISTRATE JUDGE

Name and Title of Judicial Officer

UNITED STATES DISTRICT COURT

JAN 03 2006

NORTHERN

DISTRICT OF

GEORGIA

LUTHER D. THOMAS, Clerk

Deputy Clerk

UNITED STATES OF AMERICA

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint/Indictment)

V.

CASE NUMBER: 1:06-MJ-0009

DANTAY EDWARD SHAMEL

Defendant

CHARGING DISTRICTS
CASE NUMBER: 1:02-CR-00067

I understand that charges are pending in the SOUTHERN District of OHIO

alleging violation of Supervised Release and that I have been arrested in this district and
(Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

KDS DS ~~() identity hearing~~KDS DS ~~() preliminary hearing~~

KDS DS () identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me. Mr. Shame!

also reserves the right to a detention hearing in the charging district. -KDS DS.

Defendant

Defense Counsel

Date

1/13/06

AO 94 (Rev. 12/03) Commitment to Another District

FILED IN OPEN COURT

U.S.D.C. Atlanta

UNITED STATES DISTRICT COURT

JAN 03 2006

NORTHERN

District of

GEORGIA

UNITED STATES OF AMERICA
V.COMMITMENT TO ANOTHER
DISTRICTLUTHER D. THOMAS, Clerk
Deputy Clerk

DANTAY EDWARD SHAMEL

DOCKET NUMBER

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

1:02-CR-00067

1:06-MJ-009

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☐ Indictment ☐ Information ☐ Complaint ☒ Other (specify)

charging a violation of U.S.C. §

DISTRICT OF OFFENSE

SOUTHERN DISTRICT OF OHIO

ATTEST: A TRUE COPY
CERTIFIED THIS

DESCRIPTION OF CHARGES:

VIOLATION OF SUPERVISED RELEASE

JAN 04 2006

Luther D. Thomas, Clerk
By: 
Deputy Clerk

CURRENT BOND STATUS:

- ☐ Bail fixed at _____ and conditions were not met
- ☐ Government moved for detention and defendant detained after hearing in District of Arrest
- ☐ Government moved for detention and defendant detained pending detention hearing in District of Offense
- ☒ Other (specify) DFT WAIVED DETENTION

Representation: ☐ Retained Own Counsel ☒ Federal Defender Organization ☐ CJA Attorney ☐ NoneInterpreter Required? ☒ No ☐ Yes Language:

DISTRICT OF OHIO

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

Date

Judge

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED		PLACE OF COMMITMENT	DATE DEFENDANT COMMITTED
DATE	UNITED STATES MARSHAL	(BY) DEPUTY MARSHAL	